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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,585	10/06/2003	Charles Roesset	SST/1275	5260

498 7590 11/15/2005

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EXAMINER	
KATCHEVES, BASIL S	

ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/680,585	ROESSET ET AL.	
	Examiner	Art Unit	
	Basil Katcheves	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,15-17,22 and 23* is/are rejected.

7)☒ Claim(s) *11-14 and 18-21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Marked figure 3*.

DETAILED ACTION

Applicant has amended claims 1, 18 and 22 in the paper dated 7/5/05. A new office action necessitated by the applicant's amendment is found below.

Claim Rejections - 35 USC § 102

Claims 1-3 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,259,685 to Gilb.

Regarding claim 1, Gilb discloses, in a wall, a base plate with an edge and upper face, a top plate with a lower face and edge face, an elongated stud butting against the plates and a stud plate having a face portion which is at a right angle to an edge portion, the stud plate having holes for fasteners to connect through into the stud edge face and into the plate edge faces when the stud plate face is on the outer face of each of the base and top plates (marked fig. 3).

Regarding claim 2, Gilb discloses the stud plates as having fastener openings in its edge member (marked fig. 3).

Regarding claim 3, Gilb discloses that when the stud plate faces are against outer edges of the base and top plate, the holes are lined in a manner to secure to the stud edge and to the base and top plate edges (marked fig. 3).

Regarding claim 15, Gilb discloses visual indicia (holes in the plate) to see through in order to judge where the fastening surface is located.

Claim Rejections - 35 USC § 103

Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,259,685 to Gilb.

Regarding claim 4, Gilb discloses the claimed invention except for the specific number of fasteners as disclosed in the application. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the same number of fasteners, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art to increase the connection strength of the stud plates. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Regarding claim 17, Gilb discloses the basic claim structure of the application, as noted in the rejection of claim 1. However, Gilb does not disclose the particular order of assembling the components. It would have been obvious to one having ordinary skill in the art at the time the invention was made to build the assemble the components as claimed in this application, since placing frame members together, placing connecting plates on joints, and fastening the plates is common in the art of frame building.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,259,685 to Gilb in view of U.S. Patent No. 1,486,509 to Whittaker.

Regarding claims 5-7, Gilb does not disclose the use of embossments extending from the face continuously to the edge on the stud plate. Whittaker discloses a stud plate having continuous embossments (fig. 1) which extend from the face to the edge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gilb by adding the embossments disclosed by Whittaker, in order to increase the rigidity of the plate.

Regarding claims 8 and 9, Gilb discloses the claimed invention except for two top and two bottom plates as disclosed in the application. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the same number of plates, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art to increase the strength of the structure. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Regarding claim 10, Gilb discloses the edge member of the plate as being substantially as wide as the stud edge face (marked fig. 3).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,259,685 to Gilb in view of U.S. Patent No. 2,413,362 to Maxwell et al.

Regarding claim 16, Gilb does not disclose a second, different hole which can be used as indicia. Maxwell discloses a stud plate having two different holes capable of use as indicia (fig. 2: 9 & 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gilb by adding a second type of hole, as disclosed by Maxwell, in order to save materials, weight , and costs.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,259,685 to Gilb in view of U.S. Patent No. 2,413,362 to Maxwell et al. further in view of U.S. Patent No. 1,486,509 to Whittaker.

Regarding claim 22, claim 22 is rejected for reasons cited in the rejection of claim 6. In addition, Whittaker discloses the embossments as extending past fastener holes (fig. 1).

Regarding claim 23, Gilb in view of Maxwell further in view of Whittaker discloses the basic claim structure of the instant application but does not disclose specific dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Claim Objections

Claims 11 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12-14 are objected for depending from claim 11. Claims 19-21 are objected for depending from claim 18.

Response to Arguments

Applicant's arguments filed 7/5/05 have been fully considered but they are not persuasive. Applicants arguments regarding the amended claims are moot as the amendment of 7/5/05 necessitated a new rejection. Applicant argues the terminology and intended use of the prior art. However, applicant should note that the structure of

the prior art meets the limitations of the application. Applicant argues that it is not obvious to use a multiple amount of fasteners. The applicant should note that there is no criticality in the application with regards to the number of fasteners used and the number of fasteners used is an obvious design choice. Applicant argues claims 8 and 9 but states that double plates are not new to the art. Therefore they are obvious. Applicant also argues that it is not obvious to combine Gilb with Maxwell. However, Gilb and Maxwell are both related in the same art, and Maxwell discloses an invention which is commonly used in the art. The use of two different holes is not novel, as disclosed by Maxwell. Applicant argues that there is a criticality for the dimensions specified in the application by referring to portions of the abstract and other sources within the specification. However, there is not portion which states why a particular dimension is critical to the success of the applicant's invention. This argument is not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

11/10/05

Basil Katcheves

Primary Examiner

MARKED FIGURE 3
FOR APPLICATION
10/680585

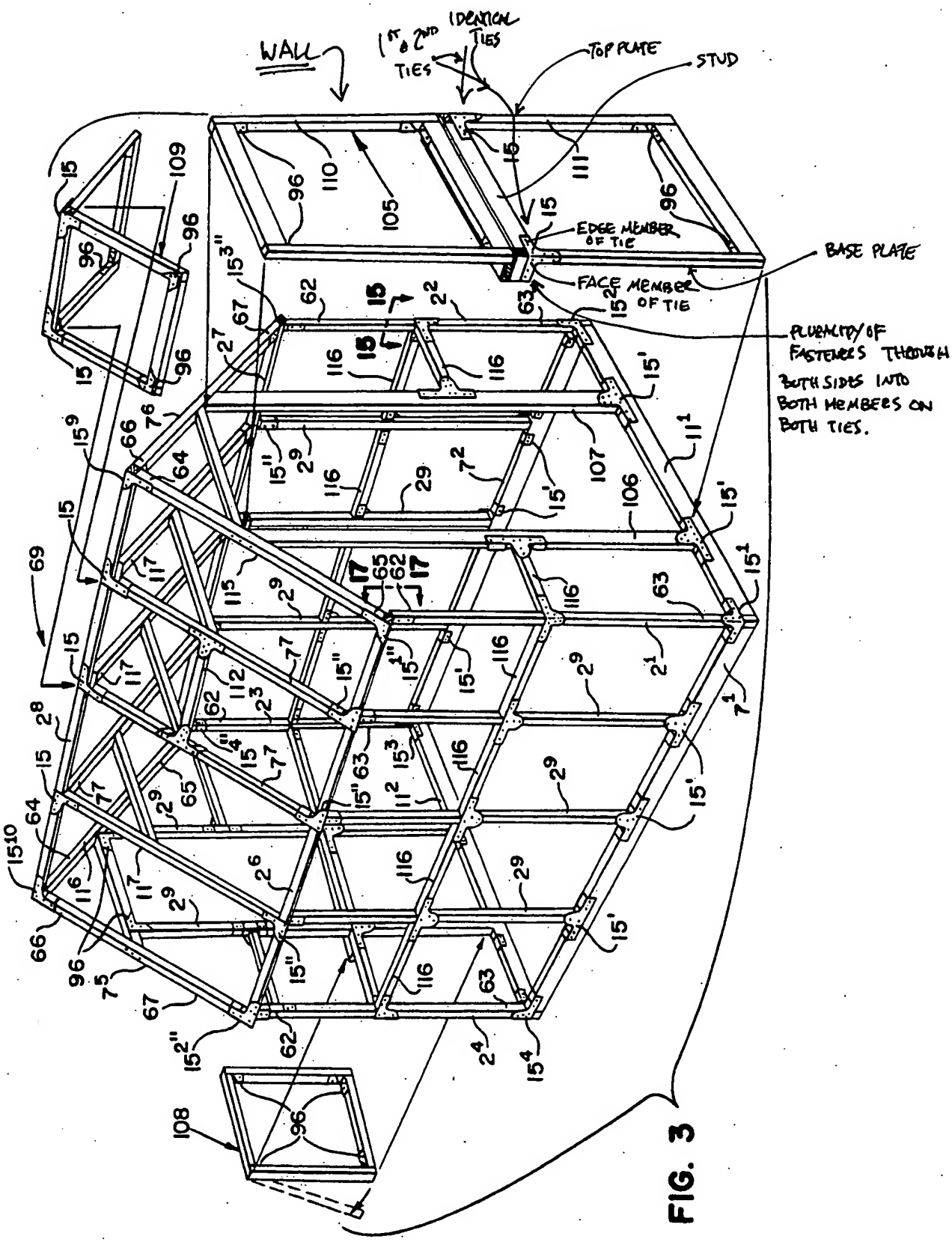

FIG. 3